

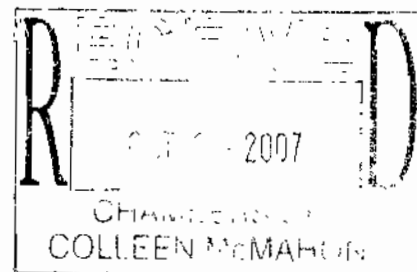
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Hon. Colleen McMahon

United States District Judge

United States District Court for the Southern District of New York

500 Pearl Street

New York, New York 10007

**MEMO ENDORSED**

*I said  
no already*

Re: *Estate of Ungar v. Orascom Telecom Holding S.A.F.*  
Docket No. 07 CV 2572 (CM) (LMS)

*Colleen McMahon*  
 10/9/07

Dear Judge McMahon,

I write in brief response to the letter dated October 2, 2007 (which arrived during the Jewish holidays), from counsel for defendant-garnishee Orascom, Christopher Curran, Esq., seeking leave to file a sur-reply or to schedule oral argument.

There is no truth to Mr. Curran's claim that the Ungars' reply in further support of their cross-motion for jurisdictional discovery "functions as an unauthorized surreply in opposition to Orascom's motion to dismiss." In responding to the Ungars' cross-motion for jurisdictional discovery, Orascom freely admitted that the information sought by the Ungars through jurisdictional discovery exists, but argued that producing that information would be pointless because the categories of jurisdictional contacts relied upon by the Ungars are neither cognizable nor sufficient.

Naturally, therefore, the Ungars' reply in further support of their motion for jurisdictional discovery focused on demonstrating that the contacts relied upon by them can and do indeed support jurisdiction. Our reply thus

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simply responded to arguments made by Orascom in its opposition, and makes no new arguments whatsoever.

Orascom's request to file a surreply to address cases cited by the Ungarss should be denied. Citation of additional authority — as distinct from new arguments — in reply is not grounds for a sur-reply. Nor does the Court need Mr. Curran's assistance to determine whether the cases at issue are distinguishable.

On the other hand, we believe that oral argument on the pending motions would be helpful, and respectfully join Orascom's request to schedule oral argument.

Respectfully yours,

*Robert Tolchin*

Robert J. Tolchin

cc: Christopher Curran, Esq. (fax: 202 639 9355)